

**IL HIE Legal Task Force  
General PHI Meeting  
March 1, 2011  
Meeting Notes**

In-person Attendees:

Tracey Salinski, Arnstein & Lehr  
Patricia King, Swedish Covenant Hospital  
Monique Anawis, John Marshall Law School  
Marcia Matthias  
Melissa January, Dinker Biddle & Reath, LLP  
Mary Kay Furiasse  
Cavan Doyle, Lebow, Malecki, & Tasch

Office of Health Information Technology

Mark Chudzinski  
David Kim

Patricia King opens the meeting at 1:00PM hosted by OHIT at the State of Illinois J.R. Thompson Center in Downtown Chicago with a telephone conference call-in number and a video conference link with Springfield. It was noted that notice of the meeting and the agenda were posted on the OHIT website and at the Chicago meeting location no later than 48 hours prior to the meeting. Roll was taken, and the ability of those attending by telephone to hear and participate was confirmed.

Patricia asked Mark Chudzinski, General Counsel of OHIT, if there were any updates on the part of OHIT or the Illinois Health Information Exchange Authority. Mark gave the following update:

- Governor Quinn appointed 8 of the 9 Board members for the IL HIE Authority last week, and they were submitted to the Illinois Senate for confirmation on February 16, 2011. An Executive Director has not been appointed. It is anticipated the new Authority will have its inaugural meeting by the end of April.
- OHIT's CTO, Pat Cunningham, has resigned. OHIT is actively seeking a replacement. Some delay in issuance of RFP is anticipated.
- Surescripts announcement on Tuesday, February 15, 2011, of the launch with American Academy of Family Physicians of "AAFP Physicians Direct", a nationwide service for clinical information exchange.
- Local HIE held a meeting on January 27, 2011 in regards to the formation of a new Statewide HIE Alliance Work Group with seven members:
  - Central Illinois HIE (CIHIE) - Peoria
  - Southern Illinois HIE (HIESI) – Carbondale
  - Illinois Critical Access Hospital Network (ICAHN)
  - Illinois Health Exchange Partners – East St. Louis
  - Lincoln Land Health Information Exchange (LLHIE) – Springfield
  - MetroChicago Health Information Exchange (MC-HIE – Chicago
  - Northern Illinois Health Information Exchange (NIHIE) – Rockford
- Two of the three HIEs will be providing service during 2011
- HB1338 was introduced in the Illinois General Assembly. It changes the current Opt-In policy with an Opt-Out policy.

- SB1234 was introduced in the Illinois General Assembly. It has proposed changes to the Mental Health and Developmental Disabilities Confidentiality Act.
- HB2917 was introduced in the Illinois General Assembly. It has proposed changes to the Controlled Substances Act.

Patricia then asked if there were any changes that needed to be made to minutes from the previous meeting. She then asked the minutes to be adopted. There was a motion. The motion was seconded. The minutes were approved.

Patricia then moved onto the next item on the agenda, revision of the analysis worksheet. Patricia asked if there were any suggestions for changes to the worksheet. One member of the group noted there were some laws outlined in the initial charter that were not being analyzed. Mark stated that the laws outlined in the charter were a suggestion and the group did not have to analyze all the laws. Patricia stated that the group should revisit the whether there were some statutes that the group should take a second look at. In part G of the worksheet, Patricia will include the statues for the group to consider. Patricia will edit the worksheet and re-circulate it. Patricia then moved onto the next item of the agenda, status of the tasks. One group member reported at taking an initial look at the Hospital Licensing Act. The member stated that there were other related laws that needed to examined, such as the Vital Statistics Records Act and the Illinois Adverse Health Care Events Reporting Act. Another group member stated that they have started working on the analysis of the tort of invasion of privacy. Patricia set a target date of April 1<sup>st</sup> for finishing the analysis.

Mark stated that April 1<sup>st</sup> deadline was reasonable. He also suggested that the group look into whether the Medical Practice Act needed to be updated, should there be a break the glass exception, and to look into Business Associate issues.

Mary Kay Furiasse volunteered to look into the Managed Care Reform Act. Cavan Doyle volunteered to look at the Illinois Adverse Health Care Events Reporting Act.

Patricia stated that she will look into new laws to fill in the gaps and re-circulate the revised worksheet and tracking tool.

Patricia asked for public comments. There were none.

Meeting was adjourned at 1:32PM.